

THIRTY-EIGHTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, June 1, 1876. }

Senate met pursuant to adjournment. Roll called. Quorum present. Prayer by the Chaplain.

Reading the journal of yesterday dispensed with, and the same adopted.

Senator Brady presented the memorial of James W. Henderson, a veteran of the Texas Revolution, "praying the Legislature to grant him relief," in allowing the Comptroller to audit his claim for pension as a veteran, with one witness (instead of two as required by the law), and the proof of his having received a bounty land warrant from the Land Office, as he failed to procure the second witness required before the repeal of the law.

Read and referred to Judiciary Committee No. 1.

Senator Carroll presented the memorial of Liberty Grange, through a committee composed of John W. Porter, N. M. Thornton and C. C. Harvey, asking for the passage of certain laws, to-wit:

Placing the criminals under the grade of felony, in charge of each county, to be punished within the county.

Fining parties who know of a violation of the law and don't report the same to the authorities.

Punishing parties for receiving stolen property.

To impose on District and County Attorneys a fine of ten dollars for drawing up indictments not in legal form.

To punish proprietors of circuses or other shows for false advertisements of their shows, or for failing to come up to their advertisements.

A law to legalize the Christian Sabbath.

To prevent the carrying of arms on the Sabbath, except on public highways, by officers in discharge of duty.

The passage of a law taxing dogs.

The raising the poll tax, payable in proper allowances for killing noxious wild animals.

Against giving away lands gratuitously to private corporations.

The passage of the Ohio liquor law.

Referred to the Committee on Judiciary No. 1.

Senator Hobby presented the petition of numerous citizens of San Jacinto county, for the relief of Spencer Perkins, of said county, "asking his restoration to the rights of citizenship, he having some years since been convicted of bigamy under the mere technicalities of the law.

Referred to Judiciary Committee No. 2.

A message was received from the House announcing the passage by that body of Senate Bill No. 148, "An Act to define the duties of Judges of the County Court in certain cases therein mentioned," and, that the House concurs in Senate amendments to House Joint Resolution No. 179, "To provide for printing such general laws, passed by this Legislature, as take effect at once."

The President, after publicly reading their captions, signed the following bill and resolution:

House Bill No. 53—"An Act to authorize the Commissioner of the

General Land Office to appoint draftsmen, two corresponding clerks, and special clerks in certain cases."

House Joint Resolution No. 179—"Joint Resolution providing for the printing and distribution of such general laws as take effect from and after their passage," passed at this session of the Fifteenth Legislature.

Senator McLeary, Chairman of the Committee on State Affairs, submitted the following reports:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on State Affairs, to whom was referred the memorial of Mary J. Thompson, have had the same under consideration, and instruct me to report the memorial back to the Senate and ask that it be referred to the Committee on Public Claims and Accounts.

McLEARY, *Chairman.*

Hon. R. B. Hubbard, President of the Senate:

Your Committee on State Affairs, to whom was referred House Joint Resolution No. 182, "To provide for the survey, condemnation and sale of certain property belonging to the State of Texas," have had the same under consideration, and instruct me to report the resolution back to the Senate and recommend its passage.

McLEARY, *Chairman.*

Hon. R. B. Hubbard, President of the Senate:

Your Committee on State Affairs, to whom was referred the memorial of the Texas Veteran Association, and the petition of Job M. Baker and others, have had the same under consideration and instruct me to report them back to the Senate, and to inform your honorable body that they are complied with in the general pension bill now before this body.

McLEARY, *Chairman.*

Hon. R. B. Hubbard, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate Bill No. 182, entitled, "An Act in relation to bills, petitions, memorials, and all other papers and documents used by the Legislature during its sessions," have had the same under consideration and instruct me to report it back to the Senate with the following amendment, and recommend its passage, as amended:

In Section 1, last line, strike out, "Secretary of State," and insert, "Governor."

McLEARY, *Chairman.*

Hon. R. B. Hubbard, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate Bill No. 57, entitled, "An Act to provide for the issuance and sale of certificates for three millions of acres of the public domain of Texas," and Senate Bill No. 125, entitled, "An Act to provide for the locating and surveying of three million acres of the public domain of the State of Texas, for the purpose of building a new State Capitol, and the necessary public buildings," have had the same under consideration and instruct me to report the said bills back to the Senate and recommend that they do not pass, and that the enclosed substitute be adopted in lieu thereof, with the following amendments:

In Section 4, line 5, insert in the blank, "sixty."

In Section 4, line 7, insert in the blank, "fifty."

In Section 4, line 9, insert in the blank, "forty."

McLEARY, *Chairman.*

The caption of the substitute is as follows: "An Act to provide for the issuance and sale of certificates for three million of acres of public domain of Texas."

Read first time.

Senator Blassingame, from the Committee on State Affairs, submitted the following report:

Hon. R. B. Hubbard President of the Senate:

Your Committee on State Affairs, to whom was referred Senate Bill No. 190, entitled, "An Act to provide for the payment of physicians in certain *post mortem* examinations and chemical analyses," have had the same under consideration, and instruct me to report the bill back to the Senate and recommend its passage. BLASSINGAME, for Committee.

Senator Douglass, Chairman of Committee on Internal Improvements, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Internal Improvements, to whom was referred Senate Bill No. 201, entitled, "An Act to authorize the corporation of the city of Houston, to improve and protect the navigation of Buffalo Bayou," have had the same under consideration, and instruct me to report the bill back to the Senate and recommend that it do pass with the following amendment:

Add to Section 1, after the word, "removal," "that whenever the said corporation of the said city of Houston shall issue bonds to carry into effect the objects of this act, it shall provide by taxation for a sufficient amount to pay the interest thereon, and at least two per cent. sinking fund to liquidate the principal of said bonds." DOUGLASS, Chairman.

Senator Crain introduced a bill entitled, "An Act to provide for the safe keeping of county records."

Read by caption and referred to Judiciary Committee No. 2.

Senator Stephens introduced a bill entitled, "An Act for the relief of the Moran Brothers."

Read by caption and referred to the Committee on Public Debt.

Senator Crain introduced a bill entitled, "An Act to require the County Treasurers to pay over school funds to certain towns and cities."

Read by caption and referred to the Committee on Education.

Senator Edwards introduced a bill entitled, "An Act for the relief of John McCoy."

Read by caption and referred to the Committee on State Affairs.

Also, a bill entitled, "An Act for the relief of Amiziah E. Baker."

Read by caption and referred to the Committee on Claims and Accounts.

Senator Burton introduced a bill entitled, "An Act to establish and provide for the maintenance of a branch University of the State of Texas, to be called the Agricultural and Mechanical College for the instruction of colored youth of the State."

Read by caption and referred to the Committee on Education.

Senator Terrell introduced a bill entitled, "An Act to establish and provide for the maintenance of an efficient system of Public Free schools."

Read by caption and referred to the Committee on Education.

On motion of Senator Douglass, Senator Thompson was added to the Committee on Internal Improvements.

On motion of Senator Guy, Senator Edwards was added to the Committee on Educational Affairs.

Senator McLeary called up the resolution introduced yesterday, which is as follows, viz:

Resolved, That this Senate hold one daily session of at least four hours in length, until such time as it may be deemed expedient to hold two sessions per day.

Senator Smith offered the following amendment:

Insert after the word, "hours," the words, "commencing on the 2d day of June, 1876, at 9 o'clock A. M."

Amendment adopted.

The resolution, as amended, was adopted by the following vote:

YEAS—Senators Ball, Blassingame, Burton, Carroll, Crain, Edwards, Grace, Guy, Henry J. R., Hobby, Ledbetter, Martin, McLeary, McCulloch, Smith, Stephens, Storey, Terrell, Thompson and Wortham—20.

NAYS—Senators Brady, Brown, Douglass, Ford, Motley and Ripetoe—6.

Senator Brady offered the following resolution:

Resolved, That the Committee on State Penitentiaries is hereby required to investigate the propriety and practicability of compelling the lessees of the State Penitentiary to keep all convicts within the prison walls, and to prohibit said lessees from hiring out said convicts beyond the limits of the prison, and thereby to prevent the scattering of said convicts throughout the country, to the dismay and danger of the people; and that if the terms of the contract of the State with said lessees be such as to prohibit the State from controlling the action of said lessees in the manner indicated herein, then the Legislature shall adopt such measures as will provide for the cancelling of said contract with lessees on equitable terms; and that said committee report by bill or otherwise.

Adopted.

Senator Crain moved that the vote adopting the resolution that the Senate meet at 9 o'clock and hold a session of not less than four hours, be reconsidered.

Senator Smith moved that the motion be laid on the table, on which the yeas and nays were demanded, and the motion lost by the following vote, viz:

YEAS—Senators Ball, Grace, Martin, McLeary, McCulloch, Moore, Smith, Stephens, Storey, Terrell—10.

NAYS—Senators Blassingame, Brady, Brown, Burton, Carroll, Crain, Douglass, Edwards, Guy, Henry J. R., Hobby, Ledbetter, Motley, Ripetoe, Thompson, Wortham—16.

The vote was then reconsidered by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Crain, Douglass, Edwards, Grace, Guy, Henry F. M., Hobby, Motley, Ripetoe, Wortham—15.

NAYS—Senators Carroll, Henry J. R., Ledbetter, Martin, McLeary, McCulloch, Moore, Smith, Stephens, Storey, Terrell, Thompson—12.

Senator Douglass offered the following as a substitute for the original resolution:

Resolved, That the Senate shall hereafter meet each day at 9 o'clock A. M., unless adjourned to another hour.

Senator Smith offered the following amendment :

Resolved, That from and after the second day of June, A. D. 1876, the Senate shall meet at 9 o'clock A. M. of each day, Sundays excepted.

Adopted.

Senator Burton offered the following amendment :

Amend by striking out, " nine," and insert, " ten."

Lost.

Senator Crain moved to insert, " half-past nine," instead of " nine."

Lost.

Senator McLeary then accepted the substitute, as amended.

Senator Douglass moved to amend by inserting, " unless adjourned to another hour."

Senator Hobby offered the following as a substitute :

Resolved, That the time of the daily meeting and adjournment of the Senate be regulated each day, according to the exigencies of the public service.

Senator Smith moved the previous question, which was carried, and the substitute of Senator Hobby was adopted.

The resolution, as substituted, was then adopted by the following vote :

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Crain, Douglass, Ford, Grace, Guy, Henry F. M., Hobby, Ledbetter, Motley, Ripetoe, Storey, Thompson—17.

NAYS—Senators Carroll, Edwards, Henry J. R., Martin, McLeary, McCulloch, Moore, Smith, Stephens, Terrell, Wortham—11.

On motion of Senator Edwards, the rule was suspended, and Joint Resolution No. 206, " Proposing an amendment to Article 14 of the Constitution," and Senate Joint Resolution No. 205, " Proposing an amendment to the Constitution of the State of Texas," were taken up, and two hundred copies of each, with the accompanying reports thereon, ordered printed.

On motion of Senator Ledbetter, the rule was suspended, and Senate Bill No. 140 was taken up, read third time and ordered engrossed.

On motion of Senator Wortham, the rule was suspended and Senate Bill No. 168, taken up, read second time and ordered engrossed.

On motion of Senator Storey, the rule was further suspended by the following vote, to place the bill on its third reading :

YEAS—Senators Blassingame, Brown, Burton, Carroll, Crain, Douglass, Edwards, Ford, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, McLeary, McCulloch, Moore, Motley, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson, Wortham—26.

NAYS—None.

The bill then read third time and passed by the following vote :

YEAS—Senators Blassingame, Brady, Brown, Carroll, Crain, Douglass, Edwards, Ford, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, McLeary, McCulloch, Moore, Motley, Stephens, Storey, Terrell, Thompson, Wortham—24.

NAYS—None.

On motion of Senator McLeary, the rules were suspended and House Bill No. 188, " An Act to provide for special terms of the District Court in the Twentieth Judicial District," was taken up, and read second time.

On motion of Senator McLeary, the rules were further suspended to place the bill on its third reading, by the following vote :

YEAS—Senators Blassingame, Brady, Brown, Burton, Carroll, Crain, Douglass, Edwards, Ford, Grace, Guy, Henry J. R., Henry F. M., Ledbetter, McLeary, McCulloch, Moore, Motley, Ripetoe, Stephens, Storey, Terrell, Thompson, Wortham—24.

NAYS—None.

Bill read third time and passed by the following vote:

YEAS—Senators Blassingame, Brady, Brown, Carroll, Crain, Douglass, Edwards, Ford, Grace, Guy, Henry J. R., Henry F. M., Ledbetter, McLeary, McCulloch, Moore, Motley, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson, Wortham—24.

NAYS—None.

By leave, Senator Thompson introduced a bill entitled, "An Act to encourage stock raising, and for the protection of stock raisers."

Read by caption and referred to Committee on Stock and Stock Raising.

Unfinished business was taken up.

Senate Bill No. 103, being "An Act to better define the powers and duties of Sheriffs and other officers," being the unfinished business, was taken up, and the report of the committee, with amendments, adopted.

The pending amendment of Senator Douglass, which was as follows: Amend Section 2, line 8, by striking out the words, "subject to military service," and insert in lieu thereof the words, "between the ages of eighteen and forty-five years, otherwise subject to military duty," was withdrawn.

Senator Douglass then offered the following amendment, viz:

In Section 5, line 7, after the word, "men," insert the following words, "between the ages of eighteen and forty-five years, and otherwise subject to military duty."

Adopted.

Senator Douglass offered the following amendment, viz:

In Section 2, line 8, strike out the words, "subject to military duty."

Adopted.

Senator Douglass offered the following amendment:

Add at the end of Section 8 the following: "*Provided*, that no claims against the State shall be paid unless the Sheriff, prior to leaving the county with his posse, shall file with some District or County Judge a sworn statement, giving the name or names of the offenders, if known, the character of the offense, and his reasons for believing that he will be resisted in making the arrest. If such Judge shall order such Sheriff to summon such posse for service outside his county, then, and in that case, the claim for services of such Sheriff and his posse, and the persons furnishing horses and arms, may be paid as herein provided, and such order shall be filed in the office of the Comptroller, prior to the drawing of any warrant for such service; *provided, further*, that such claims may be paid when such Sheriff shall file with the claims, in the office of the Comptroller of Public Accounts, an affidavit to the effect that the emergency of the case did not permit an application for such order."

Lost.

Senator Martin moved that the further consideration of the bill be postponed until Monday next, and that one hundred copies, together with the amendments, be printed.

Lost.

Senator Smith moved that fifty copies of the bill, with report and

amendments, be printed, and that the bill be postponed until Monday next, and continued from day to day until disposed of.

Carried.

The hour having arrived for the consideration of the special order of the day, it being Committee's substitute for Senate Bill No. 119, entitled, "An Act to regulate proceedings in the County Court pertaining to the estates of deceased persons," the same was taken up.

Senator Hobby in the chair.

Senator Smith moved that the Senate resolve itself into a Committee of the Whole.

Carried.

Senator Smith in the chair.

IN SENATE.

Senator Smith, Chairman of the Committee of the Whole, reported that the Committee have considered the bill aforesaid, have made progress, and asked leave to sit again.

A message was received from the Governor, which was taken up and read:

EXECUTIVE MANSION, STATE OF TEXAS, }
AUSTIN, June 1, 1876. }

To the Hon. Senate of the State of Texas:

GENTLEMEN:—I respectfully ask your advice and consent to the following appointments, to-wit:

Henry K. White, of Ellis county, Inspector of the Penitentiary, *vice* J. K. P. Campbell, whose term has expired.

William Steele, of Bexar county, Adjutant-General.

Very Respectfully,

RICHARD COKE, *Governor.*

On motion of Senator Smith, its consideration was set for to-morrow, after the morning call.

By leave, Senator Ball offered the following resolution:

Resolved, That the President of the Senate is hereby required to have the upper windows in the Senate chamber lowered from the top, and to do any other act which will be conducive to the comfort of the Senate for the summer.

Adopted.

By leave, Senator Terrell presented the memorial of G. A. Riedel, "asking for a lease for fifteen years of lots Nos. 7, 8, 9, 10, 11 and 12, in the city of Austin, belonging to the State, for the purpose of erecting iron works, etc., with the privilege of buying within the fifteen years; and also asking for exemption from taxation for the first five years of the lease."

Referred to the Committee on State Affairs.

Senator Edwards offered the following resolution:

Resolved, That the Committee on Public Printing inquire into the cause of the failure of the Public Printer to deliver bills ordered printed, within seven days after they are delivered to him.

Adopted.

On motion of Senator Martin, Senator Piner was excused on account of sickness.

On motion of Senator Storey, the Senate adjourned until 10 o'clock A. M. to-morrow.